

UNITED STATES DISTRICT COURT

for the

Eastern District of California

United States of America

v.

Kyle Matthew Lisman

Case No. 5:24-mj-00040-CDB

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 12, 2023 in the county of Kern in the Eastern District of California, the defendant(s) violated:

Code Section

18 U.S.C 1708

Offense Description

Possession of Stolen Mail

Penalties:

Five years max imprisonment and \$250,000 fine
3 years supervised release
\$100 special assessment

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Nicholas Phillips

Complainant's signature

Nicholas Phillips, Postal Inspector

Printed name and title

Sworn to me in accordance with Fed.R.Crim.P. 4.1.

Date: November 25, 2024

Christopher D. Baker

Judge's signature

City and state: Bakersfield, CA

Hon. Christopher D. Baker, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Nicholas Phillips, being first duly sworn, do hereby depose and state as follows:

I. AGENT BACKGROUND AND RELEVANT CRIMES

1. I am a Postal Inspector with the United States Postal Inspection Service (“USPIS”) and have been so employed since 2022. I am assigned to the USPIS office in Bakersfield, California. I am responsible for investigating mail and identify theft-related crimes. I am also responsible for investigating other violations of federal and state law, including burglary and robbery of postal facilities, destruction of government property, assaults on federal employees, bank and wire fraud, and counterfeiting. I have attended trainings and conducted investigations related to these crimes.

2. Title 18, United States Code, Section 1708 provides, in relevant part: Whoever unlawfully has in his possession, any mail, article, or things contained therein, which had been stolen, taken, and abstracted from a mail receptacle or other authorized depository for mail matter, knowing the same to have been stolen, taken, and abstracted, shall be imprisoned up to five years and fined up to \$250,000, or both.

3. This Affidavit is made in support of a criminal complaint charging Kyle Matthew Lisman (“Lisman”) with possession of stolen mail in violation of Title 18, United States Code, Section 1708. The Affidavit serves only to establish probable cause for the arrest of Lisman. It does not detail every fact of the investigation into Lisman or all information known to me and other law enforcement investigators regarding Lisman. The Affidavit is based on my training and experience as well as my personal knowledge and communications with other law enforcement investigators and witnesses in this case.

II. STATEMENT OF PROBABLE CAUSE

4. On May 18, 2023, Postal Inspector Daniel Croonquist and I interviewed T.W. in connection to a fraud investigation where mail in T.W.’s name was being delivered to 708 Arvin Street, Bakersfield, CA 93308, which was a known residence for Lisman (as further discussed below). T.W. stated her mailbox had been broken into in March of 2023 and her mail had been stolen. Shortly after, T.W. received notifications from Bank of America regarding an auto loan application and a business checking account opened in her name. T.W. told investigators she had not opened the auto loan

1 application or the business checking account. T.W. stated the Bank of America business account, ending
2 in 7978, had approximately \$14,598.23 in fraudulent charges. T.W. stated that she did not authorize
3 Lisman or anyone at 708 Arvin Street to open the accounts or possess mail in her name.

4 5. On July 20, 2023, the USPIS was contacted by O.B. regarding a mail theft complaint.
5 O.B. stated she recently opened an account at Alta One Credit Union (AOCU) and was expecting her
6 new debit card in the mail but never received it. She later noticed several fraudulent charges or cash
7 withdrawals which totaled over \$5,800 on her new account. AOCU was able to provide still-
8 photographs from Automated Teller Machine (ATM) surveillance cameras of five transactions totaling
9 \$3,500.00 from July 1, 2023, through July 18, 2023, using O.B.'s debit card. The still-photographs
10 showed Lisman¹ or his vehicle during the completion of all five transactions.

11 6. On September 12, 2023, the USPIS executed a federal search warrant of Lisman's
12 residence at 708 Arvin Street. Lisman was present at the residence during the execution of the search.
13 During the search, the USPIS located approximately 24 pieces of opened and unopened mail, as well as
14 checks, credit cards, and debit cards which did not belong to Lisman. Most of the items were located in
15 Lisman's bedroom or vehicle. The USPIS also found one United States Postal Service ("USPS")
16 disassembled Arrow Lock and two counterfeit USPS Arrow Keys,² which I examined and confirmed
17 could be used to access several community mailboxes.

18 7. The USPIS interviewed Lisman while at the residence about his involvement in mail
19 theft. Lisman admitted to committing mail theft, manufacturing his own counterfeit USPS Arrow Keys
20 to gain access to community mailboxes, and subsequently committing fraud associated with the
21 information received from the stolen mail. Lisman admitted that the bedroom and vehicle where
22 investigators found the mail and financial information were his bedroom and vehicle.

23 8. In Lisman's bedroom, the USPIS located a Cash App debit card ending -8197 in the name
24 of D.O. and a counterfeit California Driver's License in the name of D.O. with Lisman's photograph.
25 The USPIS previously discovered Lisman used D.O.'s personal information to fraudulently purchase a
26

27 ¹ Based on my review of Lisman's California DMV photograph and other photographs of him.

28 ² Arrow Keys allow mail carriers to access hundreds or even thousands of community mailboxes
within a specific area and are used by the USPS for efficiency purposes.

1 blue Subaru from CarMax in Bakersfield, CA, on July 7, 2023. Lisman also confessed to purchasing the
2 vehicle during his interview with USPIS.

3 9. The USPIS sent questionnaires to or interviewed the individuals and businesses whose
4 mail was found in Lisman's possession. So far, over seventeen (17) individuals and businesses
5 responded to the questionnaires or were interviewed. All these individuals and businesses confirmed
6 that they did not know Lisman or give him permission to possess their mail, and that their mail was
7 stolen.

8 10. During the search warrant operation, the USPIS also seized Lisman's personal cellular
9 phone. Investigators searched the device pursuant to a Federal search warrant and located, among other
10 things, a photograph of a Bank of America business account ending in 7978 in T.W.'s name and a
11 fraudulent CA Driver's License in the name of T.W. with Lisman's photograph.

12 **III. CONCLUSION**

13 11. Based on the above evidence, there is probable cause to believe that, on September 12,
14 2023, Kyle Lisman possessed stolen mail in violation of Title 18, United States Code, Section 1708.

15
16 Respectfully submitted,

17
18 *Nicholas Phillips*

19 Nicholas Phillips
20 United States Postal Inspector

21 Approved as to form:

22 /s/ Jeffrey A. Spivak

23 Jeffrey Spivak

24 Assistant United States Attorney

25 Affidavit submitted by email and pdf and attested to me as true and accurate by telephone consistent
26 with Fed. R. Crim P. 4(d) and 4.1 before me this 25th day of November 2024:

27 

28 The Honorable Christopher D. Baker
United States Magistrate Judge